

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PHILIP W. McCLURE,

Petitioner,

v.

JEFF PREMO, Superintendent,
Oregon State Penitentiary,

Respondent.

3:11-cv-00696-PK

ORDER

Philip W. McClure
SID #5072942
2605 State Street
Salem, Oregon 97310-0505

Pro Se Petitioner

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Attorney General
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1162 Court Street NE
Salem, Oregon 97301

Attorneys for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Paul Papak issued a Findings and Recommendation (doc. #30) on December 11, 2012, recommending that the Petition for Writ of Habeas Corpus (doc. #2) filed by Philip W. McClure be denied, and that judgment be entered dismissing this action with prejudice.

McClure filed timely objections to the Magistrate Judge's Findings and Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and rule 72(b) of the Federal Rules of Civil Procedure.

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered McClure's objections and conclude that his objections do not provide a basis to modify the Findings and Recommendation. I have also reviewed the pertinent portions of the record de novo and find no error in the Magistrate Judge's Findings and Recommendation.

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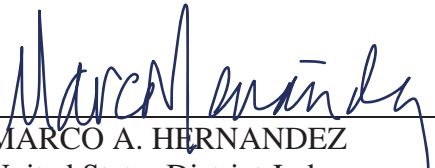
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CONCLUSION

The Court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #30). Accordingly, McClure's Petition for Writ of Habeas Corpus (doc. #2) is DENIED, and this action is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 11 day of March, 2013.


MARCO A. HERNANDEZ
United States District Judge